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7 Attorneys for Plaintiff UNITED STATES
8 DEPARTMENT OF STATE

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 OAKLAND DIVISION

12 UNITED STATES DEPARTMENT OF) CASE NO. 19-cv-04094-HSG
STATE,)
13 Plaintiff,) STIPULATION AND [PROPOSED] ORDER
14 v.) MODIFYING EXPERT DEADLINE
15 BRUCE OWEN and ALEXANDRA OWEN,)
16 Defendants.)
17 _____)

18 Plaintiff United States Department of State (“Plaintiff”) and defendants Bruce Owen and
19 Alexandra Owen (“Defendants”), by and through their undersigned counsel, hereby STIPULATE and
20 respectfully REQUEST that the Court modify the expert deadline in this action as follows:

21 WHEREAS, on August 12, 2020, Plaintiff noticed the depositions of Defendants’ experts
22 Rachael Greiner and Claudio Bluer for August 18, and 20, 2020, respectively;

23 WHEREAS, on August 13, 2020, Defendants’ counsel notified Plaintiff’s counsel that Mr. Bluer
24 would be available for a deposition on August 20, 2020;

25 WHEREAS, on August 17, 2020, Defendants’ counsel notified Plaintiff’s counsel that Ms.
26 Greiner would not be available on August 18, 2020,

27 WHEREAS, on August 18, 2020, Plaintiff filed an administrative motion seeking to modify the
28 case deadlines, including extending the deadline to conduct all expert depositions until September 17,

1 2020, so they occur after Plaintiff's expert conducts his inspection by August 27, 2020 (ECF No. 51);

2 WHEREAS, Plaintiff's filing of the administrative motion in Plaintiff's view effectively served
3 to take the currently-noticed depositions off calendar until the parties received the Court's ruling on the
4 motion;

5 WHEREAS, in the evening of August 18, 2020, the Court issued its Amended Scheduling Order,
6 which exempts the deadlines for Plaintiff's supplemental expert report and to conduct supplemental
7 expert deposition from the close of discovery of August 20, 2020, and sets the deadline for Plaintiff's
8 supplemental expert report for September 3, 2020 and the deadline to conduct supplemental expert
9 deposition for September 10, 2020 (ECF No. 52);

10 WHEREAS, the Amended Scheduling Order states that "Plaintiff has indicated that it noticed
11 depositions of Defendant's experts on August 18 and 20, 2020," and orders that "[t]o the extent the
12 parties anticipated proceeding on these days, nothing in this amended scheduling order should affect
13 these depositions" (*id.* at 1 n.1);

14 WHEREAS, following the parties' review of the Amended Scheduling Order, Plaintiff was
15 unable to reschedule the deposition of Ms. Greiner for August 19, 2020 given the logistics involved in
16 rescheduling a deposition the same day;

17 WHEREAS, on August 19, 2020, Plaintiff's counsel inquired about resetting Mr. Bluer's
18 deposition on August 20, 2020, and Defendants' counsel informed Plaintiff's counsel that Mr. Bluer was
19 no longer available for a deposition on August 20, 2020;

20 WHEREAS Mr. Bluer is available for deposition on August 25, 2020;

21 WHEREAS, Plaintiff intends to reschedule the depositions of Defendants' experts previously
22 noticed for August 18 and 20, 2020, for a date after August 20, 2020, without potentially violating the
23 Amended Scheduling Order;

24 WHEREAS, on August 19, 2020, the parties met and conferred and are in the process of
25 rescheduling the depositions of Mr. Bluer and Ms. Greiner for the week of August 24, 2020 and August
26 31, 2020;

27 NOW, THEREFORE, IT IS HEREBY STIPULATED that Plaintiff will conduct the depositions
28 of Ms. Greiner and Mr. Bluer by September 10, 2020, as set forth above.

1 **SO STIPULATED.**

2 Respectfully submitted,

3
4 DAVID L. ANDERSON
5 United States Attorney

6 Dated: August 20, 2020

7 By: /s/ Savith Iyengar
8 SAVITH IYENGAR
9 Assistant United States Attorney
10 Attorneys for Plaintiff

11 By: **/s/ Daniel Berko
12 DANIEL BERKO
13 Attorney for Defendants

14 ** Pursuant to Civ. L.R. 5-1(i)(3), the filer of the document
15 has obtained approval from this signatory.

16 **[PROPOSED] ORDER**

17 IT IS HEREBY ORDERED that Plaintiff is permitted to conduct the depositions of
18 Defendants' experts by September 10, 2020.

19 SO ORDERED.

20 Dated: _____ 8/21/2020

21 
22 HON. HAYWOOD S. GILLIAM JR.
23 United States District Judge